IN THE HIGH COURT OF JUDICATURE OF
ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MRS. JUSTICE T.MEENA KUMARI
AND
THE HON'BLE MR. JUSTICE G.CHANDRAIAH

WRIT PETITION NO. 19200 OF 2007

Dated : September 13, 2007

Between:

K.Rajeshwar

Petitioner

AND

The District Educational Officer,
Adilabad and others.

Respondents

THE HON'BLE MRS. JUSTICE T.MEENA KUMARI
AND
THE HON'BLE MR. JUSTICE G.CHANDRAIAH

WRIT PETITION NO. 19200 OF 2007

ORAL ORDER: **(per THE HON'BLE MRS. JUSTICE T.MEENA KUMARI)**

Seeking a writ of certiorari to call for the records relating to the order, dated 11.04.2007 passed in O.A. No.

2642 of 2006 by the A.P. Administrative Tribunal, Hyderabad, and to set aside the same as illegal, arbitrary and violative of Articles 14, 16 and 21 of the Constitution of India and consequently to direct the respondents to forthwith promote the petitioner to the post of Head Master, Primary School, with effect from 21.11.2005 and to extend all consequential benefits, the petitioner filed this writ petition.

The petitioner filed the above O.A. before the Tribunal seeking to implement the recommendations of the Counselling Committee held on 3/4.11.2005 and consequently to promote the petitioner to the post of Head Master, Primary School, with effect from 21.11.2005 with all consequential benefits.

Few facts, that are necessary for disposal of this writ petition, are that petitioner joined as Secondary Grade Teacher on 20.01.1986. The petitioner submits that by virtue of his qualifications and experience, he is eligible to be promoted as Primary School Head Master and the first respondent conducted a counselling on 3/4.11.2005 at Adilabad and he was allotted as Primary School Head Master, Maisampet, Kadam Mandal, Adialabd District. It is further submitted that the petitioner submitted representations dated 6.11.2005 and 28.11.2005 requesting to consider his case for promotion explaining the circumstances under which he gave an undertaking

and since there was no response from the respondents, he filed the above O.A.

The Tribunal having considered the issue disposed of the O.A. with the following order:

> "..Since the matter relates to posting on promotion and as this matter has been pending since last one year and as the respondents have not filed counter, this O.A. can be disposed of with a direction to the respondents to consider the case of the applicant for posting in the general transfers according to Rules…"

Aggrieved thereby, the present writ petition is filed contending that the Tribunal has misdirected itself in directing the respondents to consider the case of the petitioner for posting in general transfers while the petitioner is seeking promotion as Primary School Head Master, which was not given in view of the fraud played by one Mr. A.Devaiah, against whom, inquiry is contemplated and he is placed under suspension.

It appears, the Tribunal, under the impression that the petitioner is seeking transfer and also since counter is not filed, has directed the respondents to consider the case of the petitioner for posting in the general transfers according to Rules, but in fact, the petitioner sought a declaration that the action of respondents in not promoting the petitioner to the post of Primary School Head Master, as per the recommendations of the Counselling

Committee on 3/ 4.11.2005 as illegal and arbitrary and consequently to promote him as Primary School Head Master with effect from 21.11.2005. Therefore, having regard to these facts and circumstances, we deem it appropriate to direct the respondents to consider the case of the petitioner for promotion to the post of Primary School Head Master, in accordance with the Rules.

With this direction, the writ petition is disposed of. No order as to costs.

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T.MEENA KUMARI, J.

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G.CHANDRAIAH, J.

September 13, 2007
MAS